

### **III. REMARKS**

Applicant appreciates the Examiner's indication of allowable subject matter, but for the reasons set forth below, believes the claims are allowable in their present form.

Claims 1-8, 11, 12, 17-24, 27, 28, 33-40, 43 and 44 are not anticipated by Fauconnier under 35 U.S.C. §102(a) or (e).

For the record, it has been established that Applicant's earliest priority date, August 1, 2000, pre-dates the earliest effective date of Fauconnier. However, the Examiner states that Fauconnier makes references to certain publications, the publication dates of which may precede Applicant's earliest priority. It is respectfully submitted that, although Fauconnier makes reference to these certain publications, these publications do not disclose or suggest the features recited by Applicant in the claims.

Claim 1 recites that an encryption algorithm of a radio access network of a wideband code division multiple access mobile system is used as the encryption algorithm. The input parameters of an agreed format required by the encryption algorithm are created on the basis of the operating parameters of the radio access network of the packet-switched time division multiple access mobile system. Fauconnier, even though it may refer to certain technical specifications, does not disclose at least these features claimed by Applicant.

Col. 3, lines 63 to Col. 4, line 2 of Fauconnier, referred to by the Examiner, discusses the ciphering module 20 and ciphering algorithm 21. However, this section of Fauconnier, or any referred to citation, does not teach the details of the ciphering procedure that may read on Applicant's claims.

For example, Col. 4, lines 61-67 of Fauconnier, or the references it refers to, does not disclose or suggest that an encryption algorithm of a wideband CDMA mobile system is used as an encryption algorithm and that input parameters are created on the basis of

operating parameters of the radio access network of the packet-switched TDMA system as claimed by Applicant.

Although, Fauconnier, in Col. 4, lines 46-49 refers to the technical specification 3G TR 25.832, version 3.0.0, published in October 1999, ("3GPP") there is no disclosure in this reference of what is recited by Applicant in the claims. While a general reference may be made by Fauconnier to this technical specification, there has not been any specific reference to any portion of the technical specification that discloses this feature. It is submitted that a careful review of the above noted reference does not make any mention of ciphering or ciphering procedures. What this section of Fauconnier does disclose is transfer procedure scenarios. One related to soft handover, and the other relates to hard handover. Fauconnier goes on to state that as hard handover can take place between two separate access networks. (Col. 4, lines 61-62). Fauconnier refers to two Universal Mobile Telecommunications System Terrestrial Radio Access Network ("UTRAN"), or between a UTRAN and a system of a different kind based on a "similar functional architecture", making it possible to use the same ciphering procedures (e.g. GERAN type). This is not what is claimed by Applicant, and the 3GPP reference does not disclose or suggest at least this feature.

For example, referring to the 3GPP reference, the following is stated in section 1 Scope: "The present document identifies a number of handover and SRNS Relocation scenarios for UTRAN. It is intended to reflect and clarify the requirement on UTRAN, and in the development of procedures and capabilities" (pg. 5) 5.7 Intra CN (UTRAN-GSM/GPRS: "This scenario shows handover between UTRAN and a GSM BSS...**The ability of the GSM system to support this scenario is for further study, and is out of scope for this report.**" (pg. 12). (emphasis added)

Clearly, this indicates that any suggestion by Fauconnier that an HHO can take place between separate access networks... using the "same ciphering procedures", is merely speculative and can only be made with hindsight knowledge of the subject matter of Applicant's claims. The 3GPP reference clearly indicates that what is stated by

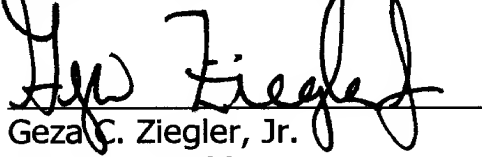
Fauconnier in Col. 4, lines 61-67, is merely speculation at the time of Fauconnier's publication, and is not provided for in the 3GPP reference. Thus, this disclosure can only be attributed the date of the Fauconnier reference, and not as of the date of the 3GPP reference. The Examiner is requested to identify and point to a relevant section of the 3GPP reference to support the stated position and rejection. It is respectfully submitted that Fauconnier only discloses a desire "to use the same ciphering procedures". There is no disclosure in Fauconnier or the 3GPP reference as to what such procedures may be and there is simply no disclosure anywhere as to how an encryption algorithm of UTRAN could be fitted to GERAN.

Thus, although Fauconnier relates to certain technical specifications, any suggestion that Fauconnier anticipates Applicant's claims is more speculation. The disclosures relied upon do not teach Applicant's claims and no such support has been presented. Therefore, Fauconnier does not anticipate claims 1-8, 11, 12, 17-24, 27, 28, 33-40, 43 and 44.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for a two-month extension of time together with any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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Date

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